

SERVICE DATE – OCTOBER 3, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42154

MONTICELLO FARM SERVICE, INC. v. CSXT TRANSPORTATION, INC.

Decided: October 2, 2017

On August 14, 2017, Monticello Farm Services, Inc. (MFS), which owns and operates a fertilizer storage and distribution facility in Monticello, Ind., filed a complaint against CSX Transportation, Inc. (CSXT), pursuant to 49 U.S.C. §§ 11701(b) and 11704(c) and 49 C.F.R. § 1111.1.¹ The complaint alleges that CSXT's embargo of its rail line serving MFS has become an unlawful abandonment in violation of 49 U.S.C. § 10903 and that CSXT has failed to provide rail transportation upon reasonable request in violation of 49 U.S.C. § 11101(a). On September 1, 2017, CSXT filed an answer to the complaint.

On September 20, 2017, MFS and CSXT jointly filed a report, pursuant to 49 C.F.R. § 1111.10(a), setting forth a proposed procedural schedule.² Specifically, the parties request the following schedule, based on the service date of the Board's decision granting the joint request:

Completion of discovery	45 days from service
MFS opening evidence	75 days from service
CSXT reply evidence	105 days from service
MFS rebuttal evidence	125 days from service

The parties' joint proposed procedural schedule is reasonable and therefore will be adopted.

It is ordered:

1. The parties joint motion for procedural schedule is granted.

¹ MFS states that its facility in Monticello, Ind., is solely served by CSXT via an approximately 10-mile rail line from Monon, Ind., to its terminus at Monticello, Ind.

² Also on September 20, MFS and CSXT jointly filed a motion for protective order to govern the proceeding. The motion for protective order will be addressed in a separate decision.

2. The procedural schedule for the proceeding is:

Completion of discovery	November 17, 2017
MFS opening evidence	December 18, 2017
CSXT reply evidence	January 16, 2018
MFS rebuttal evidence	February 5, 2018

3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.